

REMARKS

Claims 1 through 4, 6 through 14 and 16 through 21 and 23 through 26 are pending.

Claims 1 through 4, 6 through 14 and 16 through 21 and 23 through 26 have been rejected under 35 U.S.C. § 103 (a).

Rejections under 35 U.S.C. § 103(a).

Examiner has rejected claims 1 through 4, 6 through 14 and 16 through 21 and 23 through 26 under 35 U.S.C. § 103 (a) as being unpatentable over USPN 6,237,005 (Griffin) in view of USPN 6,243,719 (Ikuta).

Applicant respectfully traverses the rejection of the claims and requests reconsideration. Below, Applicant sets out subject matter in each of the independent claims not disclosed or suggested by the cited art. In view of this, Applicant believes all the claims are patentable over the cited art.

Independent Claim 1:

Independent claim 1 sets out a server computing system that includes an application. The application includes a persistent process that generates dynamic and interactive hypertext markup language (HTML) content for the application. The persistent process performs background processing when no client requests are pending, the background processing including caching in memory. This is not disclosed by Griffin or Ikuta.

Griffin discloses a web server mechanism for processing multiple transactions in an interpreted language executed environment. Griffin does not disclose or suggest that a persistent process performs background processing when no client requests are pending, where the background processing includes caching in memory, as set out in claim 1.

Particularly, Griffin does not disclose any persistent process performing background processing when no client requests are pending. In fact, Griffin teaches the opposite. For example, Figure 6 of Griffin is a flow diagram that

shows functions of the master interpreter of Griffin. See column 4, lines 57 through 59. As shown by Figure 6, during an initial state 540, the master interpreter 510 listens for a transaction request message to arrive (step 610). See Griffin at column 9, lines 18 through 26. After the transaction, the master interpreter 510 re-enters the initial state 540 and begins to listen for any other transaction request messages (step 610). See Griffin at column 9, lines 57 through 60. Thus, Griffin teaches that between transactions, master interpreter 510 merely listens for a next transaction request message to arrive. Griffin does not disclose or suggest that master interpreter 510 performs background processing when no client requests are pending, where the background processing includes caching in memory, as required by claim 1 of the present case.

Additionally, Griffin never even brings up the issue of caching. Griffin does not disclose or suggest that caching is performed by any process at any time. It is clear therefore that there is no disclosure or suggestion in Griffin that master interpreter 510 performs caching in memory as part of background processing when no client requests are pending.

Ikuta's Discussion of Caching

Ikuta discloses a data caching apparatus used for an electronic conference system where an unspecified plurality of users exchange information. See Ikuta at column 1, lines 26 through 27. In order to improve response speed of the system when the user of the electronic conference system requests a listing of messages or selects a message, a cache file on the server is used. See Ikuta at column 1, lines 40 through 52. Specifically, in Ikuta, a cache file 22 of a server 10 stores at least a list of the messages of each of the forums stored in the database 12 as well as a copy of a predetermined number (for example 100) of messages. The cache file 22 is updated in the background when the server 10 has some surplus processing capability. See Ikuta at column 6, lines 26 through 32.

Combination of Griffin and Ikuta

Ikuta discloses storing in a cache file 22 a list of the messages of each of the forums stored in the database 12 as well as a copy of a predetermined number (for example 100) of messages. A person of ordinary skill in the art would have no motivation to add this subject matter into Griffin. In Griffin there is no discussion of electronic conference systems nor of the need to improve response speed of the system when the user of an electronic conference system requests a listing of messages or selects a message. Therefore, the use of a cache in an electronic conference system such as Ikuta would not provide motivation for a person of ordinary skill in the art to modify Griffin to include a caching apparatus, as disclosed by Ikuta.

The only motivation Examiner has presented for adding a caching into Griffin is that the system of Griffin would be capable of performing caching in the background. However, the fact that Griffin is capable of performing caching in the background is not a sufficient motivation for a person of ordinary skill in the art to so modify Griffin.

The motivation to make a specific structure is not abstract, but practical, and is always related to the properties or uses one skilled in the art would expect the structure to have, if made. The critical inquiry is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. *In re Newell*, 891 F.2d 899, 13 U.S.P.Q. 2d 1248, 1250 (Fed. Cir. 1989).

The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims is not, by itself, sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of the applicant's specification, to make the necessary changes in the reference device. *Ex parte Chicago Rawhide Manufacturing Co.*, 226 U.S.P.Q. 438 (PTO Bd. App. 1984).

In Griffin, the persistent process is a persistent interpreter. There is no teaching or suggestion in Griffin of how a cache could be used to any advantage in the interpreting process. Thus, no motivation is provided in Griffin for a

person of ordinary skill in the art to add a cache memory to the web server mechanism disclosed by Griffin.

While Ikuta discloses use of a cache file, the cache file is used to store lists of messages and messages within an electronic conference system. Since Griffin is not concerned with lists of messages and messages within an electronic conference system, Ikuta's teaching about use of a cache to file lists of messages and messages would not motivate a person of ordinary skill in the art to modify Griffin to include a cache.

Outside of the desire to perform piecemeal reconstruction of Applicant's claimed subject matter, there is no motivation by which a person of ordinary skill in the art would be motivated to modify Griffin to add caching in memory as part of background processing when no client requests are pending, as set out in claim 1 of the present case.

Independent Claim 12:

Independent claim 12 sets out a computer-implemented method. In step (a) of claim 12, a persistent process that generates dynamic and interactive hypertext markup language (HTML) content for an application is run. The persistent process performs background processing when no client requests are pending. The background processing includes caching in memory. This is not disclosed by Griffin or Ikuta.

As discussed above, Griffin discloses a web server mechanism for processing multiple transactions in an interpreted language executed environment. Griffin does not disclose or suggest that a persistent process performs background processing when no client requests are pending, where the background processing includes caching in memory, as set out in claim 12.

Particularly, Griffin does not disclose any persistent process performing background processing when no client requests are pending. In fact, Griffin teaches the opposite. For example, Figure 6 of Griffin is a flow diagram that shows functions of the master interpreter of Griffin. See column 4, lines 57 through 59.

As shown by Figure 6, during an initial state 540, the master interpreter 510 listens for a transaction request message to arrive (step 610). See Griffin at column 9, lines 18 through 26. After the transaction, the master interpreter 510 re-enters the initial state 540 and begins to listen for any other transaction request messages (step 610). See Griffin at column 9, lines 57 through 60. Thus, Griffin teaches that between transactions, master interpreter 510 merely listens for a next transaction request message to arrive. Griffin does not disclose or suggest that master interpreter 510 performs background processing when no client requests are pending, where the background processing includes caching in memory, as required by claim 12 of the present case.

Additionally, Griffin never even brings up the issue of caching. Griffin does not disclose or suggest that caching is performed by any process at any time. It is clear therefore that there is no disclosure or suggestion in Griffin that master interpreter 510 performs caching in memory as part of background processing when no client requests are pending.

Combination of Griffin and Ikuta

Ikuta discloses storing in a cache file 22 a list of the messages of each of the forums stored in the database 12 as well as a copy of a predetermined number (for example 100) of messages. A person of ordinary skill in the art would have no motivation to add this subject matter into Griffin. In Griffin there is no discussion of electronic conference systems nor of the need to improve response speed of the system when the user of the electronic conference system requests a listing of messages or selects a message. Therefore, the use of a cache in an electronic conference system such as Ikuta would not provide motivation for a person of ordinary skill in the art to modify Griffin to include a caching apparatus, as disclosed by Ikuta.

In Griffin, the persistent process is a persistent interpreter. There is no teaching or suggestion in Griffin of how a cache could be used to any advantage in the interpreting process. Thus, no motivation is provided in Griffin or Ikuta

for a person of ordinary skill in the art to add a cache memory to the web server mechanism disclosed by Griffin.

While Ikuta discloses use of a cache file, the cache file is used to store lists of messages and messages within an electronic conference system. Since Griffin is not concerned with lists of messages and messages within an electronic conference system, Ikuta's teaching about use of a cache file lists of messages and messages would not motivate a person of ordinary skill in the art to modify Griffin to include a cache.

Independent Claim 21:

Independent claim 21 sets out storage media that stores a computer application. The computer application, when executed on a computing system comprises a persistent process that generates dynamic and interactive hypertext markup language (HTML) content for the computer application. The persistent process performs background processing when no client requests are pending, the background processing including caching in memory. This is not disclosed by Griffin or Ikuta.

As discussed above, Griffin discloses a web server mechanism for processing multiple transactions in an interpreted language executed environment. Griffin does not disclose or suggest that a persistent process performs background processing when no client requests are pending, where the background processing includes caching in memory, as set out in claim 21.

Particularly, Griffin does not disclose any persistent process performing background processing when no client requests are pending. In fact, Griffin teaches the opposite. For example, Figure 6 of Griffin is a flow diagram that shows functions of the master interpreter of Griffin. See column 4, lines 57 through 59.

As shown by Figure 6, during an initial state 540, the master interpreter 510 listens for a transaction request message to arrive (step 610). See Griffin at column 9, lines 18 through 26. After the transaction, the master interpreter 510 re-enters the initial state 540 and begins to listen for any other transaction

request messages (step 610). See Griffin at column 9, lines 57 through 60. Thus, Griffin teaches that between transactions, master interpreter 510 merely listens for a next transaction request message to arrive. Griffin does not disclose or suggest that master interpreter 510 performs background processing when no client requests are pending, where the background processing includes caching in memory, as required by claim 21 of the present case.

Additionally, Griffin never even brings up the issue of caching. Griffin does not disclose or suggest that caching is performed by any process at any time. It is clear therefore that there is no disclosure or suggestion in Griffin that master interpreter 510 performs caching in memory as part of background processing when no client requests are pending.

Combination of Griffin and Ikuta

Ikuta discloses storing in a cache file 22 a list of the messages of each of the forums stored in the database 12 as well as a copy of a predetermined number (for example 100) of messages. A person of ordinary skill in the art would have no motivation to add this subject matter into Griffin. In Griffin there is no discussion of electronic conference systems nor of the need to improve response speed of the system when the user of the electronic conference system requests a listing of messages or selects a message. Therefore, the use of a cache in an electronic conference system such as Ikuta would not provide motivation for a person of ordinary skill in the art to modify Griffin to include a caching apparatus, as disclosed by Ikuta.

In Griffin, the persistent process is a persistent interpreter. There is no teaching or suggestion in Griffin of how a cache could be used to any advantage in the interpreting process. Thus, no motivation is provided in Griffin or Ikuta for a person of ordinary skill in the art to add a cache memory to the web server mechanism disclosed by Griffin.

While Ikuta discloses use of a cache file, the cache file is used to store lists of messages and messages within an electronic conference system. Since Griffin is not concerned with lists of messages and messages within an electronic


conference system, Ikuta's teaching about use of a cache file lists of messages and messages would not motivate a person of ordinary skill in the art to modify Griffin to include a cache.

Conclusion

Applicant believes that the present case is in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,

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